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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Petropoulos *et al.*

Confirmation No.: 5338

Serial No.: 09/874,475

Art Unit: 1648

Filed: June 4, 2001

Examiner: U. Winkler

For: COMPOSITIONS AND METHODS FOR
EVALUATING VIRAL RECEPTOR/CO-
RECEPTOR USAGE AND INHIBITORS
OF VIRUS ENTRY USING
RECOMBINANT VIRUS ASSAYS

Attorney Docket No: 011068-052-999

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have carefully considered the Office Action mailed June 1, 2004, in connection with the above-captioned patent application. Applicants kindly request reconsideration of the claims in light of the amendments and remarks that follow. Filed herewith are:

(1) an Amendment Fee Transmittal sheet; and

(2) a Petition for Extension of Time under 37 C.F.R. § 1.136 extending the period for responding by three months from January 14, 2004, to and including December 1, 2004.

Amendments to the claims begin on page 2;

an Amendment to the Specification begins on page 9; and

Remarks begin on page 10.

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In view of the foregoing, Applicants respectfully submit that the PTO cannot establish *prima facie* obviousness of amended claims 38, 73, and 81. Since each of the remaining claims depends from one of such claims, all of claims 38-71 and 73-94 are also non-obvious. Accordingly, Applicants respectfully request that the rejection of claims 38-71 and 73-88 as obvious under 35 U.S.C. § 103(a) be withdrawn.

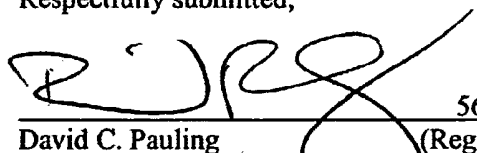
CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that claims 38-71 and 73-94 satisfy all the criteria for patentability and are in condition for allowance. Applicants respectfully request that the Examiner reconsider this application with a view towards allowance and solicit an early passage of claims 38-71 and 73-94 to issuance. Further, Applicants respectfully request that the Examiner telephone the undersigned attorney at (650) 739-3949 prior to issuance of another Office Action should the Examiner be inclined to issue another Office Action rather than the fervently desired Notice of Allowance.

Pursuant to 37 CFR § 1.136(a)(3), the Commissioner is hereby authorized to charge all required fees, including fees under 37 CFR § 1.17 and all required extension of time fees, or credit any overpayment, to Jones Day Deposit Account No. 503013 (order no. 101920-999050).

Respectfully submitted,

Date: December 1, 2004



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